IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition No.110 of 1996.
in W.P. No. 1836 of 1995.

Mrs. Shruti Girish Ghatpande. Petitioner.

Versus.

Pune Municipal Corpn.and Ors.

..Respondents.

Mr. Mhatungade i/b A.V. Anturkar for Petitioner.
Rajesh Ketkar for respondent no. 1 to 4.

CORAM:A.M.KHANWILKAR,J.
DATED:18.03.2006

P.C.:-

. Heard the learned counsel for the parties.

The grievance in this petition will have to be confined to the allegation of non-compliance or wilful disobedience of the order passed by the Division Bench of this Court dated 4th August,1992 in Writ Petition No. 2424 of 1992. The Minutes of Order passed on that day read as under;

. "The respondent, Pune Municipal Corporation has filed affidavit stating that,

(a) Proceedings under Section 260 of the Bombay Provincial Municipal Corporations Act, 1949 have been initiated against unauthorized construction in S.No.121 and 122 Kothrud, Pune, and

(b) That Pune Municipal Corporation has no intention of declaring the said survey numbers as slum area.

2] In view of this statements made on affidavit, the petitioners seek permission to withdraw the Writ Petition. Writ petition is allowed to be withdrawn with no order as to costs."

[Emphasis supplied]

. From the pleadings on record, it is obvious that the Corporation has, still,not declared the concerned survey number as slum area. Infact, the occupants of the said survey number have brought before this Court proceedings against the Corporation to declare the same as slum area, as all the conditions provided under the Slum Act are applicable to the said area. It is not necessary for this Court to dwell upon the said issue. Suffice it to observe, so far Corporation has not declared concerned survey number as slum area. Thus, there is no question of any disobedience of the order of this Court passed on 4th August,1992.

. From the averment in the petition, it is possible to cull out the grievance of the petitioner that Corporation has not demolished unauthorized construction. In the first place, order dated 4.8.1992 does not issue any such

direction to the Corporation regarding unauthorized construction except of recording the statement of the Corporation that action in respect of unauthorized construction has been initiated. That action has been proceeded further. As is contended by the Corporation before this Court, Corporation had no option but to extend protection to some of the structures which were in existence prior to the 1995. In view of the policy of the State Government, the occupants of the said structures have been provided suitable accommodation elsewhere. The structures which were not protected as per the policy, it is stated have been demolished. That fact has been stated by the Corporation in the Additional Affidavit filed before this Court in Writ Petition No. 1836 of 1995.

. Suffice it to observe that no case for initiating contempt action is made out, hence dismissed.

. Notices issued to the concerned respondents stand discharged.

[A.M.KHANWILKAR.J.]